



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/156,541	09/17/1998	ROY HAROLD MAUGER		1213

7590

05/05/2004

WILLIAM M. LEE, JR.
LEE, MANN, SMITH, MCWILLIAMS, SWEENEY &
OHLSON, P.O. BOX 2786
CHICAGO, IL 606901300

EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
----------	--------------

2666

DATE MAILED: 05/05/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/156,541

Applicant(s)

MAUGER ET AL.

Examiner

Kevin C. Harper

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22,38 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-22,38 and 40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments, see pages 2-4, filed February 19, 2004, with respect to the rejection(s) of claim(s) 12-22, 38 and 40 have been fully considered and are persuasive.

Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the La Porta references.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Porta et al. (US 5,509,010) in view of La Porta et al. (US 5,434,852).

1. Regarding claims 38 and 40, La Porta '010 discloses a communication system (Figure 1) comprising geographically distributed narrowband to broadband interfaces (Figure 7, items 702 and 706) comprising inherent network adapters for connecting users (Figure 2). The network adapters connect to narrowband trunks (Figure 7, item 706), where the trunks support the communications functions of the system. The system includes at least two independent call servers (Figure 1, item 102). The call servers function with respect to various services or functions of the network (Figure 1, items 119, 121, 123 and 125; col. 3, lines 56-60). However, La Porta '010 does not specifically disclose that each call server administers the groups of communication services. La Porta '852 disclose that each call server administers the groups of communications services (col. 7, lines 54-62). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have each call server administer groups of

Art Unit: 2666

communication services in the invention of La Porta '010 in order to provide controlled and authorizes access to each of the services offered in the network.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Porta '010 in view of La Porta '852 as applied to claim 38 above, and further in view of Hoffpauir et al. (US H001964).

2. Regarding claim 12, the La Porta references do not disclose an active call server and a standby call server. Hoffpauir discloses an active call server and a standby call server (Figure 1, item 14). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a active call server and a standby call server in the invention of La Porta in order to have a more robust network in the event of a call server failure.

Claim 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Porta '010 in view of La Porta '852 and Hoffpauir as applied to claim 12 above, and further in view of Bernardis et al. (US 4,782,517).

3. The La Porta references in view of Hoffpauir does not disclose that a communication service is a trial service. Bernardis discloses using trial services in a network (col. 1, lines 12-29). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have a trial service for one of the communication functions in the invention of La Porta in view of Hoffpauir in order to determine the feasibility of a service.

4. Regarding claims 14-16 and 22, in La Porta '010 the call servers have associated virtual channels (Figure 6, setup-VCI and drop-VCI) which are unique to the user per requested service (col. 7, lines 18-30, 45-51 and 64-68). The mapping of network adapters to a logical address

Art Unit: 2666

(Figure 6, VCI) is inherent due to the association of a narrowband user or trunk with broadband logical address.

5. Regarding claims 17-20, in La Porta '010 various logical addresses inherently may be used (col. 4, lines 45-54) where the logical address is a network service access point identity (col. 4, lines 49-51) and the inherent physical address is an individual trunk circuit identity (Figure 7, item 706; col. 9, lines 16-22).

6. Regarding claim 21, in La Porta '010 the system includes a fabric application interface (Figure 1, connection between item 108 and item 102 and Figure 7, connection between item 706 and 704).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 703-305-0139. The examiner can normally be reached weekdays from 11:30 AM to 8:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema S. Rao, can be reached at 703-308-5463. The centralized fax number for the Patent Office is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

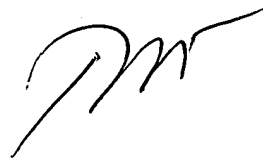
Art Unit: 2666

system, see pair.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin C. Harper



May 2, 2004



DANG TON
PRIMARY EXAMINER